

IN THE HIGH COURT OF JUDICATURE FOR FORTRAN AT
JODHPUR.

O R D E R

All Rajasthan Co-operative Bank Employees Union, Barmer v. The Barmer Central Co-operative Bank Ltd. & Ors.

S.B.CIVIL WRIT PETITION NO.1578/1992
under Article 226 of the Constitution of India.

Date of Order : 19th July, 2005

P R E S E N T

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. M.R.Singhvi, for the petitioner.
Mr. B.L.Tiwari, Addl.Govt.Advocate.
Mr. Rajesh Joshi, for the respondents.

BY THE COURT :

By this petition for writ a challenge is given by the petitioner union to the order dated 4.3.1992 passed by the Registrar, Co-operative Societies of Rajasthan, Jaipur and the orders passed by the Managing Director of Barmer Central Co-operative Bank Ltd., Barmer in pursuant to the order dated 4.3.1992 referred above.

By order dated 4.3.1992 the Registrar, Co-operative Societies, Government of Rajasthan directed the Managing Directors of various Central Co-operative

Banks in State of Rajasthan not to implement the agreement dated 22.6.1991 arrived at between the Registrar, Co-operative Societies and the Rajasthan State Co-operative Loan Supervisors Union.

The facts in brief giving rise to present petition are as follows:-

The Registrar, Co-operative Societies and the Rajasthan State Co-operative Loan Supervisors Union entered into an agreement on 10.6.1987. In compliance of the agreement arrived at between the parties the department of Co-operatives, Government of Rajasthan issued a notification dated 7.7.1987 prescribing the pay scales to the loan supervisors working with various Central Co-operative Banks in State of Rajasthan at par to ministerial staff of the banks concerned. The loan supervisors were also ordered to be treated as employee of the banks concerned w.e.f. 1.7.1987. In compliance of the order dated 7.7.1987 the pay scales at par with ministerial staff working in Central Banks in State of Rajasthan were allowed to loan supervisors. The fixation of pay pertaining to loan supervisors was also made accordingly. However, the Registrar, Co-operative Societies by an order dated 4.3.1992 ordered for stop the payment of wages to the loan supervisors at par to the ministerial staff by an order dated 4.3.1992 on the count that High Court under its orders dated 2.9.1987 and

1.12.1987 by way of interim order stayed operation of agreement dated 10.6.1987.

The contention of the counsel for the petitioner is that the order impugned dated 4.3.1992 is passed on totally a wrong pretext as no order staying operation of the agreement was in operation on 4.3.1992. It is pointed out by counsel for the petitioner that one All Rajasthan Co-operative Bank Union preferred a writ petition before this Court giving challenge to the agreement dated 10.6.1987. In the said writ petition (SBCWP No.2074/87) an interim order was passed by this Court on 2.9.1987 in following terms:-

“Issue notice of the stay petition returnable within two weeks. Notices be given 'Dasti' to the learned counsel for the petitioner. Meanwhile, operation of the order Annexure-1 shall remain stayed.”

The order dated 2.9.1987 stood modified by order dated 1.12.1987 in following terms:-

“Heard the learned counsel for the parties on the question of stay granted earlier by this Court.

The stay granted earlier on 2.9.1987 is modified in the manner that no member of the Rajasthan State Co-operative Loan Supervisors' Union will be promoted to any post in C-grade in the respondents Banks.

We permit the respondents banks to give salary to the loan supervisors as mentioned in Ex.1 and Ex.2. As soon as the service is complete on the respondents, the case will be heard for final disposal at the orders stage.”

According to the counsel for the petitioner there was no interim order by this Court restraining the respondents from making payment of salary to the loan supervisors at par to the ministerial staff of the banks. On the contrary the Banks were permitted to make payment of salary to the loan supervisors in accordance with agreement dated 10.6.1989 and the order dated 7.7.1987. It is also pointed out by the counsel for the petitioner and agreed by the counsel for the respondents that SBCWP No.2074/87 ultimately came to be rejected by judgment dated 12.9.1995 on the count of availability of alternative remedy. However, an appeal bearing DBCivil Special Appeal (Writ) No.799/95, All Rajasthan Co-operative Bank Employees Union v. State of Rajasthan & Ors. is pending before Division Bench of this Court giving challenge to the judgment dated 12.9.1995.

Be that as it may be, the resultant position is that there was no interim order in operation restraining the respondents from giving effect to the agreement arrived between the Registrar, Co-operative Societies and the Rajasthan Loan Supervisors Union on

the day the order impugned dated 4.3.1992 is passed. On the contrary, this Court by order dated 1.12.1987 permitted various Central Co-operative Banks to make the payment of salary to loan supervisors in accordance with the agreement and the orders passed in pursuant thereto.

In view of it it is apparent that the order dated 4.3.1992 passed by the Registrar, Co-operative Societies was passed on a non existent ground. As such, there was no just and valid reason available with the Registrar, Co-operative Societies to direct the Managing Directors of various Central Co-operative Banks for not making payment to the loan supervisors in the pay scales at par with ministerial staff of the bank.

In view of the factual background stated above and in view of the fact that the writ petition bearing No.2074/87 also stood rejected, I do not find any reason to permit the order dated 4.3.1992 to remain in currency. Accordingly the order dated 4.3.1992 and the orders passed in pursuant thereto are hereby quashed. The members of the petitioner union shall be entitled to avail the pay scales at par with the ministerial staff of Barmer Central Co-operative Bank in accordance with the agreement dated 10.6.1987 passed by the Registrar, Co-operative Societies, Rajasthan and the order dated 7.7.1987 issued by the

Registrar, Co-operatives, Government of Rajasthan,
Jaipur.

The writ petition is allowed accordingly with
no order as to costs.

(GOVIND MATHUR),J.

kkm/ps.